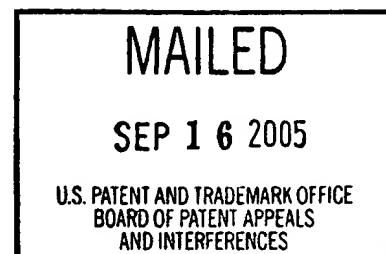


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SAMUEL C. WEAVER

Application No. 09/838,866



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on August 12, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

On April 20, 2001, concurrently with the filing of the application, appellant filed an Information Disclosure Statement (IDS). The examiner initialed the references and signed and dated the 1449 of the IDS on page 1. However the 1449 consists of 2 pages and page 2 of the IDS (which contains a non patent reference) is not properly acknowledged. Therefore, it is not clear from the record whether the examiner has considered page 2 of the IDS.

According to the Manual of Patent Examining Procedure (MPEP) § 609 C(2)

(Eighth Ed., Rev. 2, May 2004):

Examiners must consider all citations submitted in conformance with the rules and this section, and their initials when placed adjacent to the considered citations on the list or in the boxes provided on a form PTO-1449 . . . provides a clear record of which citations have been considered by the Office.

Accordingly, it is

ORDERED that the application is returned to the examiner for proper acknowledgment of page 2 of the IDSs filed April 20, 2001, notification to appellant in writing of such consideration, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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